

APRNs and Prescribing of Hydrocodone Combination Drugs

The DEA announced on August 21, 2014, that effective October 6, 2014, hydrocodone combination drugs will be classified as Schedule II controlled substances. However, because of a provision in Kentucky law from 2013, KRS 218A.020 (3) (see excerpt below), prescribing rules and regulations in effect for Kentucky prescribers on March 19, 2013 remain the same for the rescheduled hydrocodone products. All APRNs will continue to be permitted to prescribe a 30 day supply of Schedule II hydrocodone combination products if allowed under their DEA license.

KRS 218A.020 (3) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the Cabinet for Health and Family Services, the Cabinet for Health and Family Services may similarly control the substance under this chapter by regulation. If hydrocodone or any drug containing hydrocodone is rescheduled to Schedule II in this manner, the prescriptive authority existing on March 19, 2013, of any practitioner licensed under the laws of the Commonwealth to prescribe, dispense, or administer hydrocodone or drugs containing hydrocodone shall remain inviolate and shall continue to exist to the same extent as if those drugs had remained classified as Schedule III controlled substances.

Restrictions on prescribing pure hydrocodone products designated as Schedule II controlled substances prior to October 6, 2014, will remain subject to Schedule II prescriptive limits because the law in regard to these products has not changed.

Kentucky Law Regarding the Prescriptive Authority of APRNs

KRS 314.011Section 8 (a) limits APRN prescribing of Schedule II controlled substances to a 72 hour supply with no refills. The exception is that APRNs certified as psychiatric-mental health nurses are permitted to prescribe up to a 30 day supply of a Schedule II psychostimulant with no refills. KRS 314.011Section 8 (b) limits APRN prescribing of Schedule III controlled substances to a 30 day supply with no refills.

Impact of DEA announcement on APRNs

- Because KRS 314.011 Section 8 (b) was in effect March 19, 2013, all APRNs will continue to be permitted to prescribe a 30 day supply of Schedule II hydrocodone combination products if allowed under their DEA license.
- Any APRN who holds a DEA registration that does not allow prescribing of Schedule II controlled substances will not be able to continue to prescribe Hydrocodone in any form after October 6, 2014, unless and until they obtain the appropriate authorization from the DEA. Registrants may update their DEA license information at the DEA Diversion web site: <http://www.deadiversion.usdoj.gov/>
- The DEA announcement is applicable only to prescriptions written on or after October 6, 2014, regardless of when they are presented to a pharmacist.

- According to DEA, hydrocodone combination prescriptions issued prior to October 6, 2014 and authorized to be filled or for refilling, may be dispensed if such dispensing occurs before April 8, 2015. Hydrocodone combination prescriptions written on or after October 6, 2014 may not be refilled.
- **Phone-in prescriptions will no longer be permitted for Hydrocodone** in any form after October 6, 2014. Any Hydrocodone prescribing will have to comply with 902 KAR 55:095 (see below), which places special requirements on the prescribing of Schedule II controlled substances.

Prescription Compliance with Kentucky Laws and Regulations

The following regulations shall be followed to ensure written prescriptions comply with Kentucky Law and Regulations and avoid violation of the Kentucky Revised Statutes (KRS) 218A regarding prescribing of controlled substances.

- **902 KAR 55:080. Written prescriptions to be signed by practitioner.**
<http://www.lrc.ky.gov/kar/902/055/080.htm>
- **902 KAR 55:095 Prescription for Schedule II controlled substance - facsimile transmission or partial filling.**
<http://www.lrc.ky.gov/kar/902/055/095.htm>
- **902 KAR 55:105. Controlled substance prescription blanks.**
<http://www.lrc.ky.gov/kar/902/055/105.htm>

There are no changes to the rules regarding Schedule II controlled substance prescriptions issued in Kentucky.

- Schedule II controlled substance prescriptions may not be faxed or called in to a pharmacy except as provided for in 902 KAR 55:095. Schedule II controlled substance prescriptions that are electronically prescribed must use a system that has been audited for compliance with the regulations specified in 21 CFR Part 1311.
- No refills are allowed by any practitioner for Schedule II controlled substances.
- Schedule II controlled substance prescriptions are valid for 60 days from the date written.
- Controlled substance prescriptions must be signed and dated on the date issued by the prescriber.